

# Nebraska District Court Judges Survey 2006

Executive Summary

Community Corrections Council

The Community Corrections Council was created to coordinate the effort of establishing community correctional programs across the state, to assure the necessary supervision and services to adult felony offenders in the community, to reduce reliance upon incarceration as a means of managing low risk offenders, and to decrease the probability of criminal behavior while maintaining public safety (from Community Corrections Council web site at <http://www.ncc.ne.gov/>).

To further these goals, the Council undertook a survey of Nebraska District Court Judges in late 2006 to enhance their understanding of the perspective of these judges on factors relevant to sentencing decisions and community corrections. District Judges were chosen as they address more serious offenses, in particular felonies, and have a concomitantly greater impact on sentences to state incarceration than judges in County Courts.

### **Survey.**

A survey was designed to investigate District Judge's perspectives on issues relating to community corrections and incarceration. Topics included probation workload and probation instruments, community corrections and Department of Correctional Services (DCS) programs and resources, parole, and the role of the Community Corrections Council and other entities in enhancing community corrections in Nebraska.

The survey consisted of 94 questions, eight of which were open ended, and the remaining items were rating scale items. Scale items were given a rank number for each response; median scores were used as the measure of central tendency. Open ended items were generally analyzed by grouping responses into meaningful categories.

### **Results.**

#### **Returns.**

Judges returned 42 of the 55 surveys, for a return rate of 76%. Return rates by District ranged from 50% to 100%. With some districts consisting of only 2 judges, responses were further combined into rural and urban categories for some analyses. Districts classified as urban consisted of those surrounding Lincoln and Omaha (Districts 2, 3, and 4). All other districts were classified as rural. Urban districts achieved a 70% return rate. A 79% return rate was obtained for rural districts.

#### **Section 1.**

The focus of this section was on probation officer workload and on the PSI and the Offender Selection Worksheet (OSW) included in the PSI--instruments probation officers use to communicate with their district judge. The following results were obtained

- 80% of judges rated probation officer workload in their district to be high to very high.
- About half of the judges indicated they consider probation officer workload "sometimes", "often" or "always" when formulating their sentencing decision.

- Over 80% of the judges indicated they were concerned "sometimes", "often" or "always" about the affect of probation officer workload on community corrections.
- Judges were generally satisfied with the PSI. Suggestions for improvement included changes in format such as placement of supporting materials, and increased detail for criminal history. Several judges requested probation officer recommendations for the appropriateness of community corrections and for detailed community corrections placement options tailored to each offender.
- The majority of judges had moderate ratings for the ability of the OSW to accurately place offenders within criminal justice options. Furthermore, judges saw a limited role for the OSW in sentencing, and sought validation information and further education on the OSW.

### **Section 2 and Section 3.**

Section 2 focused on a set of 17 resources available to community corrections. Topics included the accessibility of resources due to location or cost, and the effectiveness of these community corrections programs and services.

- Thirteen services (76%) obtained a median score of "good" or better for accessibility due to location.
- Thirteen services (76%) obtained a median score of "good" or better for accessibility due to cost.
- Judges rated 16 (94%) services "good" or better for effectiveness.

The questions of Section 3 focused on programs and services available through DCS. A total of eight services were rated for accessibility and effectiveness.

- 50% of programs obtained a median rating of "good" for accessibility.
- 50% of programs obtained a median rating of "good" for effectiveness.

These results suggest higher ratings for community corrections items. To further investigate, analyses across community corrections and DCS services revealed several differences.

- When asked about DCS services *in general*, judges gave median rating for DCS programs of "fair" for accessibility and effectiveness.
- When asked about community corrections services *in general*, judges gave median a rating of "fair" for cost accessibility. Location accessibility and effectiveness obtained median ratings of "good".
- An analysis of "do not know" responses revealed a range of about 30% to a high of about 65% or responses marked "do not know" for DCS programs accessibility and effectiveness. Judges marked "do not know" from about 2% to a high of about 45% for community corrections effectiveness and accessibility.
- In sum, community corrections programs and services were generally rated higher in terms of accessibility and effectiveness than DCS programs. Moreover, there

were about twice as many "do not know" responses for DCS services than community corrections services.

#### **Section 4.**

Section 4 focused on the role of parole in community corrections from the limited perspective of the sentencing judge. Judges were asked if they include a sentencing recommendation in their sentencing order, and under what circumstances they would most likely issue a sentencing order with a parole recommendation. Finally, judges were asked what their typical expectations were about when release on parole will be granted.

- Respondents rarely, if ever, issue a parole recommendation with a sentencing order.
- Possible circumstances for a parole recommendation include matters of community safety with violent offenders, and when the defendant is particularly likely or unlikely to respond to rehabilitation and treatment services.
- Most frequent expectations for timing of release on parole include when the offender is safe to release, earliest eligibility date (with good behavior), and when all recommended DCS programming is completed.
- Less frequently cited expectations for release on parole include when community supervision and programming is available, and at mandatory release date with no time on parole.
- No respondent indicated that the offender would be released based on a parole recommendation included in a sentencing order.

#### **Section 5.**

Section 5 focused on the interaction of probation, parole, DCS, the Community Corrections Council, and other state entities in enhancing community corrections. Judges were asked how often they sentence to DCS due to a lack of community corrections resources, and to list specific circumstances when this could occur. This was followed by a request to list barriers to successful community corrections for felony drug offenders. Judges were then asked what the Community Corrections Council and others could do to enhance community corrections.

- Sufficient and effective programming and supervision topped the list of barriers, with peer environment and lack of employment opportunities the next most frequently mentioned barriers.
- Barriers were complexly interrelated, with both state controlled factors and personal obstacles contributing substantially to outcomes. It remains that state actions bear a considerable relationship to overall success.
- When addressing the role of the Community Corrections Council in enhancing sentencing to community corrections, the most frequently cited activity was comprehensive support of community corrections oriented programs. This was followed by calls for probation support—specifically for increased supervision and improved probation flexibility in meeting the needs of individual offenders, and for a focus on public and judicial education on the efficacy and rationale for community corrections.

- When asked what other entities could do to enhance community corrections, funding and other active support was cited most frequently—specifically, adequate funding for programs and supervision, as well as supportive responses from legislators and county attorneys. Educating the public and state entities on community corrections issues was next most frequently cited. Finally, several respondents asked for public leadership from the Governor, Legislature and the Attorney General in enhancing and supporting community corrections.

### **Urban/Rural Analysis.**

The median scores for all rating scale questions were examined for response patterns among rural and urban districts.

- Overall, rural judges rated 51% of the scale items lower than urban judges. Urban judges rated 8% of the items lower (rural and urban medians were identical for the remaining 40% of item).
- For just Section 2 resource rating questions, the median rating for community corrections programs and services items was rated lower 57% of the time by rural responders, and only 6% were rated lower by urban judges.
- Rural judges also rated Section 3 DCS resource items lower 56% of the time, compared to only 19% rated lower by urban judges.
- Given the uneven allocation of community corrections resources across the state, lower ratings by rural judges are expected. However, given the roughly equal distribution of offenders within DCS, lower ratings of DCS services and programs by rural judges are unexpected.
- Differences in median scores greater than one were obtained for only seven items. These included day and evening reporting centers effectiveness, location and cost. The median differences for location accessibility of sex offender programs, extended residential treatment, halfway houses, and short-term residential treatment were also greater than one. All of these programs were part of community corrections, and all were rated lower by rural judges.